

**DEFENDANT'S
EXHIBIT**

I, Annie Rebecca Elliott, District Clerk of Fort Bend County, Texas, do hereby certify that the foregoing is a true, correct and full copy of the instrument herein set out as appears of record in the District Court of Fort Bend County, Texas.
This 17 day of September 20 15



ANNIE REBECCA ELLIOTT, DISTRICT CLERK

By Sonny Garcia Deputy

Sonobio "Sonny" Garcia

NO. 15-DCV-225745

BRYAN BYRD	§	IN THE DISTRICT COURT OF
	§	
VS.	§	FORT BEND COUNTY, TEXAS
	§	
MICHAEL T. MAYES AND	§	Fort Bend County - 240th Judicial District Court
CELADON TRUCKING SERVICES, INC.	§	_____ JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION

Plaintiff Bryan Byrd complains of Defendants Michael T. Mayes and Celadon Trucking Services, Inc. and shows the following:

Discovery Plan

1. Plaintiff requests discovery to be conducted under Level 3 of Rule 190 of the Texas Rules of Civil Procedures.

Parties

2. Plaintiff Bryan Byrd (ss# xxx-xx-x880, Texas driver's license# xxxxx508) is a resident citizen of Richmond, Fort Bend County, Texas.
3. Defendant Michael T. Mayes is a resident citizen of Banner, Floyd County, Kentucky, specifically, 2882 Kentucky Route 1426, Banner, Kentucky 41603, and may be served with process by serving the Chairman of the Texas Transportation Commission at 125 E. 11th Street, Austin, Texas 78701, as Defendant's agent for service because Defendant was a party to a collision or an accident while operating a motor vehicle in Texas.
4. Defendant Celadon Trucking Services, Inc. is an Indiana corporation duly authorized to do business in the State of Texas and may be served with process by serving its registered agent National Corporate Research, Ltd located at 800 Brazos, Suite 400, Austin, Texas 78701.

Venue

5. Venue is proper in Fort Bend County, Texas because the cause of action occurred in Fort Bend County, Texas.

Facts

6. On July 23, 2015, Plaintiff was traveling southbound on Southwest Freeway in the left hand lane. Defendant Michael T. Mays was also traveling southbound on the Southwest Freeway in the right hand lane. Defendant failed to drive in a single land when he struck Plaintiff's vehicle. Plaintiff received serious injuries as a result.
7. This suit is brought in accordance with the laws of the State of Texas for the recovery of damages that Plaintiff is justly entitled to receive as compensation for the severe personal injuries sustained in an incident that occurred on the 7th day of January 2014 in Harris County, Texas. Plaintiff's injuries and resulting damages were brought about to occur, directly and proximately, by reason of the Defendant's negligence.
8. At the time of the incident, the individual involved in the control of the vehicle that made the basis of this lawsuit was an employee of Defendant Celadon Trucking Services, Inc. The acts of negligence committed by the employee arose directly out of and was done in prosecution of the business that he was employed to do by their employer, who is therefore liable under the *Doctrine of Respondeat Superior* for the negligent actions of its employees.

Negligence

9. The Plaintiff's injuries and resulting damages were directly and proximately caused by the negligence of Defendant by:
- A. Failing to drive in a single lane;
 - B. Failing to maintain a proper lookout;
 - C. Failing to maintain proper control of Defendant's vehicle; and
 - D. Failing to turn the vehicle to avoid the collision.

Damages

10. As a result of Defendants' conduct, Plaintiff was severely injured. Plaintiff therefore seek to recover those damages provided by law, which include:
- a. Physical pain and mental anguish in the past, including the element of loss of enjoyment of life;
 - b. Physical pain and mental anguish in the future, including the element of loss of enjoyment of life;
 - c. Physical impairment in the past, including the element of loss of enjoyment of life;
 - d. Physical impairment in the future, including the element of loss of enjoyment of life;
 - e. Loss of earning capacity in the past;
 - f. Loss of earning capacity in the future;
 - g. Medical expenses in the past; and
 - h. Medical expenses in the future.
11. Plaintiff seeks to recover property damage, loss of use and diminished value of his vehicle.

12. Pursuant to Rule 47 of the Texas Rules of Civil Procedure, this claim seeks only monetary relief of \$100,000 or less, including damages of any kind, penalties, costs, expenses, pre-judgment interest and attorney fees

Documents

13. Plaintiff hereby gives actual notice to each party that any and all documents produced during discovery may be used against the party, and may produce the document at any pre-trial proceeding and/or trial of this matter without the necessity of authenticating the document. This notice is given pursuant to Rule 193.7 of the Texas Rules of Civil Procedure.

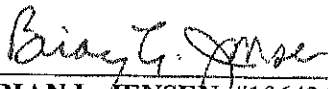
Demand for Jury

14. Plaintiff demands a trial by jury.

Prayer

Plaintiff requests that Defendants be cited to appear and answer, and that upon final trial, Plaintiff have judgment against Defendants for the full amount of his damages, with pre-judgment interest and post-judgment interest, for costs of Court, and for such other and further relief, special and general, at law and in equity, to which he may be entitled.

Respectfully submitted,

BY: 
BRIAN L. JENSEN, #10643600
B. L. JENSEN, L.P.
6750 West Loop South, Suite 800
Bellaire, Texas 77401
(713) 224-5500
(713) 665-6818 Facsimile

Attorney for Plaintiff

I, Annie Rebecca Elliott, District Clerk of Fort Bend County, Texas, do hereby certify that the foregoing is a true, correct and full copy of the instrument herein set out as appears of record in the District Court of Fort Bend County, Texas.

This 17 day of September 20 15



ANNE REBECCA ELLIOTT, DISTRICT CLERK

By Sonny Garcia Deputy

Sonobio "Sonny" Garcia



ANNIE REBECCA ELLIOTT
Fort Bend County District Clerk
301 Jackson, Richmond, TX 77469

REQUEST FOR PROCESS

All sections must be completed for processing this request.

Section 1:

Cause No. 15-DCV-225745
Style: 240th

Date 8-18-2015

Bryan Brnd
VS

Michael T. Mayes and Celadon Trucking Services, Inc.

Section 2:

Check Process Type:

☒ Citation ☐ Precept to Serve / Notice of Hearing ☐ Temporary Restraining Order

☐ Application for Protective Order / Temporary (Ex Parte) Protective Order

☐ Notice of Registration of Foreign Judgment ☐ Citation by Posting

☐ Writ of _____ ☐ Other _____

☐ Citation by Publication* - Newspaper: _____

* (All publications are sent to: India Herald Inc., 10701 Corporate Drive, Suite 282 • Sugar Land, Texas 77487)

* (Unless another newspaper is specified - FBC Constable will only serve within their jurisdiction.)

APPLICATION OF ISSUANCE OF SUBPOENA MUST BE SUBMITTED ON A SEPARATE FORM

Section 3:

Title of Document/Pleading to be attached for service: Plaintiff's Original
Petition

Note: You must furnish one copy of the document/pleading for each party served.

Section 4: PARTIES TO BE SERVED (Please type or print):

1. Name: Michael T. Mayes

Address: c/o Chairman of the Texas Transportation Commission, 125 E. 11th Street

City: Austin State: TX Zip: 78701

2. Name: Celadon Trucking Services, Inc.

Address: c/o National Corporate Research, Ltd, 800 Brazos, Ste 400

City: Austin State: TX Zip: 78701



3. Name: _____

Address: _____

City: _____ State: _____ Zip: _____

4. Name: _____

Address: _____

City: _____ State: _____ Zip: _____

5. Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Section 5

Check Service Type:

- | | |
|--|---|
| <input type="checkbox"/> No Service | <input type="checkbox"/> Secretary of State |
| <input type="checkbox"/> Sheriff | <input type="checkbox"/> Commissioner of Insurance |
| <input type="checkbox"/> Constable Pct. _____ | <input type="checkbox"/> Out of County |
| <input type="checkbox"/> Out of State | <input type="checkbox"/> Private Process |
| <input checked="" type="checkbox"/> Certified Mail | <input type="checkbox"/> Registered Mail (Out of Country) |

Section 6 (ONLY if Section 7 does not apply)

Attorney Name: Brian Jensen B.L. Jensen, LPAddress: 6750 West Loop South Ste 800

Street/P.O. Box

Bellaire

City

Texas

State

77401

Zip

Attorney's Telephone No. (713) 224-6500 Attorney's Bar No. 10643600

Section 7 (ONLY if Section 6 does not apply)

Pro-Se Name: _____

Address: _____

Street/P.O. Box

City

State

Telephone No. _____

Section 8


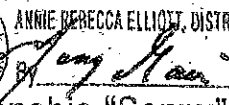
Check Delivery Type:

- | | | |
|---|---|---|
| <input type="checkbox"/> Hold for pick up | <input type="checkbox"/> Mail to Attorney | <input type="checkbox"/> Mail to Pro-Se Party |
|---|---|---|

FILED
AUG 11 2015
AT
3:20 PM
Cheri R. Gledhill
Clerk District Court, Fort Bend Co., TX

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